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Hearing Date: September 28, 2016

Hearing Time: 10:00 a.m.

Objection Date: September 21, 2016

Attorneys for Defendant Edyne Gordon

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

EDYNE GORDON, in her capacity as the executrix and
primary beneficiary of the Estate of Allen Gordon,

Defendant.

Adv. Pro No. 10-04809 (SMB)

DECLARATION OF HELEN DAVIS CHAITMAN

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C.

§1746, as follows:

1. I am a partner with Chaitman LLP, counsel to Defendant Edyne Gordon, in her capacity as the executrix and primary beneficiary of the Estate of Allen Gordon ("Defendant"). I am a member of the bars of New York and New Jersey, and of this Court.

2. I submit this declaration in support of Defendant's motion (a) to compel discovery pursuant to Fed. R. Civ. P. 37, (b) for an order finding plenary waiver of privilege, and (c) for an order barring the trustee from using at trial any evidence not produced during fact discovery.

3. As set forth in Gregory Dexter's letter dated May 2, 2016 letter to the Court, I have attempted in good faith to resolve these discovery disputes with the Trustee, to no avail.

4. Attached hereto as **Exhibit A** is a true and accurate copy of Defendants' First Set of Document Demands and Interrogatories to the Trustee in *Picard v. Wilenitz et al.*, Adv. Pro. No. 10-04995 dated March 8, 2016.

5. Attached hereto as **Exhibit B** is a true and accurate copy of Trustee's Responses and Objections to Defendants' Document Demands and Interrogatories dated April 8, 2016 as Exhibit A to Trustee's letter dated May 4, 2016.

6. Attached hereto as **Exhibit C** is a true and accurate copy of Defendants' First Set of Requests for Production of Documents and Interrogatories to the Trustee dated June 21, 2016.

7. Attached hereto as **Exhibit D** is a true and accurate copy of Trustee's Responses and Objections to Defendants' First Set of Requests for Production of Documents and Interrogatories to the Trustee dated August 5, 2016.

8. Attached hereto as **Exhibit E** is a true and accurate copy of the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order dated November 10, 2010.

9. Attached hereto as **Exhibit F** is a true and accurate copy of relevant pages of the transcript of hearing on May 17, 2016.

10. Attached hereto as **Exhibit G** is a true and accurate copy of relevant pages of the transcript of hearing on July 6, 2016.

11. Attached hereto as **Exhibit H** is a true and accurate copy of relevant transcript pages of the deposition of Bernard L. Madoff taken on June 15, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 29, 2016

/s/ Helen Davis Chaitman
Helen Davis Chaitman

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2016, I caused a true and correct copy of the foregoing document to be served upon the parties in this action who receive electronic service through CM/ECF and by electronic mail upon:

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
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LLC and the Estate of Bernard L. Madoff*

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